

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 2:19-cv-767-ECM
)	
HYUNDAI MOTOR MANUFACTURING,)	
ALABAMA, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANT DYNAMIC SECURITY, INC.’S
OBJECTIONS TO DEPOSITION TESTIMONY DESIGNATIONS

Defendant Dynamic Security, Inc. (“Dynamic”), pursuant to the Court’s Order of March 28, 2022 (Doc. 57), hereby serves and files Defendant’s Objections to Deposition Testimony Designated by Plaintiff (Doc. 101) and Defendant Hyundai Motor Manufacturing Alabama, LLC (Doc. 94).

First, with the exception of Kristal Riddle and Sherry Spire’s deposition testimony on behalf of Dynamic, Dynamic objects to each of Plaintiff’s deposition designations as Hearsay FRE 801(c) not subject to any exception. As a general matter, Plaintiff is prohibited from admitting the deposition testimony of a witness unless the witness is an adverse party or unavailable to testify at trial. *See* Fed. R. Civ. P. 32. Plaintiff’s deposition designations do not fall into a Hearsay FRE 801(c) exception for those depositions to be used against Dynamic or in establishing any

claim against Dynamic and, at this time, Plaintiffs have not presented any evidence showing that any of these witnesses are unavailable to testify in person at trial. Dynamic also objects to the Plaintiff's deposition being used by either of the Co-Defendants to establish any claims against Dynamic.

Second, without waving Dynamic's objections made during the depositions and Dynamic's objections to Plaintiff's exhibits to be filed separately, Dynamics asserts the following objections to Plaintiff's deposition designations for each witness as follows:¹

Dynamic's Objections to Deposition Designations for Kristal Riddle²:

PAGES AND LINES	OBJECTIONS
053:20-053:23	<ul style="list-style-type: none"> • Lack foundation • Seeks a Lack of personal knowledge FRE 602 and seeks an improper legal conclusion • Relevance FRE, 401, 402
055:22-056:01	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion • Relevance FRE, 401, 402 • Assumes facts not in evidence
094:14-095:22	<ul style="list-style-type: none"> • Question calls for narrative • Vague
097:02-097:11	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
119:23-120:01	<ul style="list-style-type: none"> • Object to the document and the other testimony on grounds that it contains hearsay FRE 801(c)

¹ Dynamic reserves the right to assert objections to any additional deposition testimony offered at trial. Further, Dynamic reserves the right to supplement, modify, or withdraw any of the objections made herein.

² The pages from Kristal Riddle's deposition referenced are attached as Exhibit A.

	<ul style="list-style-type: none"> • Relevance FRE 401, 403
127:10-127:17	<ul style="list-style-type: none"> • No foundation • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion • Relevance FRE, 401, 402
171:16-171:20	<ul style="list-style-type: none"> • Assumes facts not in evidence • Vague
173:04-173:18	<ul style="list-style-type: none"> • Relevance FRE, 401, 402

Dynamic's Objections to Deposition Designations for Sherry Spires³

PAGES AND LINES	OBJECTIONS
016:21 - 016:22	<ul style="list-style-type: none"> • Vague as to the terms “appropriate” and “handling” and confusing
018:15-018:21	<ul style="list-style-type: none"> • Compound question
024:13-024:19	<ul style="list-style-type: none"> • Hearsay FRE 801(c)
025:02-025:13	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
025:14-026:25	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
036:05-036:13	<ul style="list-style-type: none"> • Hearsay FRE 801(c) FRE 801(c)
037:07-037:13	<ul style="list-style-type: none"> • Assumes facts not in evidence • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion • Argumentative • Misleading
038:02-038:14	<ul style="list-style-type: none"> • Argumentative • Assume facts not in evidence • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion

³ The pages from Sherry Spires' deposition referenced are attached as Exhibit B.

038:15-038:19	<ul style="list-style-type: none"> • Argumentative • Assume facts not in evidence • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion
038:20-039:01	<ul style="list-style-type: none"> • Relevance FRE, 401, 402
039:07-039:16	<ul style="list-style-type: none"> • Relevance FRE, 401, 402

Dynamic's Objections to Deposition Designations for Cassandra Williams⁴

PAGES AND LINES	OBJECTIONS
033:04-033:19	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Relevance FRE, 401, 402 • Hearsay FRE 801(c)
033:20-033:22	<ul style="list-style-type: none"> • Hearsay FRE 801(c)
045:13-045:20	<ul style="list-style-type: none"> • Assume facts not in evidence • Argumentative
045:23-046:04	<ul style="list-style-type: none"> • Compound question • Assumes facts not in evidence
048:09-048:18	<ul style="list-style-type: none"> • Assumes facts not in evidence
049:08-049:20	<ul style="list-style-type: none"> • Assumes facts not in evidence
049:23-050:07	<ul style="list-style-type: none"> • Assumes facts not in evidence
076:20-077:01	<ul style="list-style-type: none"> • Compound question
077:18-078:01	<ul style="list-style-type: none"> • Misstates facts
078:04-078:05	<ul style="list-style-type: none"> • Lack of foundation that had personal knowledge FRE 602
080:09-080:16	<ul style="list-style-type: none"> • Assume facts not in evidence • Vague
083:09-083:16	<ul style="list-style-type: none"> • Vague and incomplete • Argumentative
083:19-083:23	<ul style="list-style-type: none"> • Argumentative • Relevance FRE, 401, 402

⁴ The pages from Cassandra Williams' deposition referenced are attached as Exhibit C.

095:07-095:10	<ul style="list-style-type: none"> • Hearsay FRE 801(c)
095:11-095:20	<ul style="list-style-type: none"> • Hearsay FRE 801(c)
096:08-096:14	<ul style="list-style-type: none"> • Hearsay FRE 801(c) • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
096:20-096:22	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
100:12-100:21	<ul style="list-style-type: none"> • Assumes facts not in evidence • Misstates prior testimony
118:13-118:19	<ul style="list-style-type: none"> • Relevance FRE, 401, 402 • Vague • Argumentative • Assumes facts not in evidence • Lack of personal knowledge FRE 602 and seeks an improper legal conclusion
151:17-151:22	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Hearsay Rule 801(c)
151:23-152:07	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
152:16-152:23	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party

Dynamic's Objections to Deposition Designations for Ray Cureton⁵

PAGES AND LINES	OBJECTIONS
017:09-01:18	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party

⁵ The pages from Ray Cureton's deposition referenced are attached as Exhibit D.

021:17-021:22	<ul style="list-style-type: none"> • Compound question
022:18-023:11	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Vague and confusing
055:23-056:04	<ul style="list-style-type: none"> • Hearsay FRE 801(c)
061:07-061:20	<ul style="list-style-type: none"> • Assume facts not in evidence • No foundation
072:08-072:13	<ul style="list-style-type: none"> • Assume facts not in evidence • Argumentative • Misstates testimony
072:14-073:01	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Vague and confusing
073:02-073:08	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
075:04-075:06	<ul style="list-style-type: none"> • Violates best evidence rule FRE 1002
075:08-075:13	<ul style="list-style-type: none"> • Violates best evidence rule FRE 1002
075:14-075:23	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party
076:01-076:05	<ul style="list-style-type: none"> • Question is vague and incomplete • No personal knowledge • No foundation
076:18-076:22	<ul style="list-style-type: none"> • Violates best evidence rule FRE 1002
078:01-08	<ul style="list-style-type: none"> • Leading
078:01-078:11	<ul style="list-style-type: none"> • Argumentative • Assume facts not in evidence • Vague and misleading
079:20-080:12	<ul style="list-style-type: none"> • Compound • Asks witness to speculate • Lack of personal knowledge FRE 602
080:13-19	<ul style="list-style-type: none"> • Leading • Compound • Lack of foundation

	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602
081:3-12	<ul style="list-style-type: none"> • Leading
082:2-9	<ul style="list-style-type: none"> • Leading
084:21-085:06	<ul style="list-style-type: none"> • Leading • Misstates prior testimony • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Argumentative
085:10-13	<ul style="list-style-type: none"> • Leading
089:23-090:18	<ul style="list-style-type: none"> • Asks witness to speculate • Incomplete and vague question
090:19-091:18	<ul style="list-style-type: none"> • Asks witness to speculate • Incomplete and vague question • Leading
098:05-099:03	<ul style="list-style-type: none"> • Assume facts not in evidence • Argumentative
101:15-22	<ul style="list-style-type: none"> • Leading
104:04-104:22	<ul style="list-style-type: none"> • Lack of personal knowledge FRE 602 and asks witness to speculate about the mental operations of a third party • Relevance FRE, 401, 402
108:16-108-23	<ul style="list-style-type: none"> • Duplicative, question already asked and answered
117:12-117:16	<ul style="list-style-type: none"> • Leading • Assumes facts not in evidence • Misstates prior testimony
119:20-21	<ul style="list-style-type: none"> • Leading
123:02-123:12	<ul style="list-style-type: none"> • Misstates prior testimony
123:13-124:04	<ul style="list-style-type: none"> • Asks witness to speculate • Duplicative, question already asked and answered
126:20-127:09	<ul style="list-style-type: none"> • Relevance FRE, 401, 402

Dynamic's Objections to HMMA's Deposition Designations (Key's deposition)⁶

PAGES AND LINES	OBJECTIONS
41:24- 42:15	• Hearsay FRE 801(c)
48:6-9	• Speculation not based on personal knowledge
62:2-17	• Hearsay FRE 801(c)
63:24-64:6	• Hearsay FRE 801(c)
74:11-22	• Hearsay FRE 801(c)
125:13-126:2	• Hearsay FRE 801(c)
159:24-160:20	• Hearsay FRE 801(c)
160:21-23	• Speculation not based on personal knowledge
174:11-21	• Hearsay FRE 801(c)
226:16-227:6	• Hearsay FRE 801(c)

Respectfully submitted,

/s/ Susan W. Bullock

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⁶ The pages from Davita Key's deposition referenced are attached as Exhibit E.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on 9th day of February, 2023, she electronically filed a true and correct copy of the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to:

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